

**MINUTES
FREMONT CITY COUNCIL MEETING
JULY 19, 2011
FREMONT CITY HALL
AND
VIA TELECONFERENCE BY COUNCILMEMBER NATARAJAN FROM
303 SALARPURIA ARISTOCRACY, 14th CROSS ROAD, J.P. NAGAR 1st PHASE,
BANGALORE 560078, INDIA
7:00 P.M.**

1. PRELIMINARY

1.1 Call to Order: Mayor Wasserman called the meeting to order.

1.2 Flag Salute: Vice Mayor Chan led the salute to the flag.

1.3 Roll Call: Present: Mayor Wasserman, Vice Mayor Chan, Councilmembers: Harrison and Dutra.
Absent: Councilmember Natarajan

1.4 Announcements by Mayor/City Manager

2. CONSENT CALENDAR

- * **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Harrison and Dutra
Noes:	None
Absent:	Councilmember Natarajan
Abstain:	None

- * **2.2 Approval of Minutes – None.**

- * **2.3 Mayor Wasserman opened consideration of Second Reading and Adoption of an Ordinance of the City Council of the City of the City of Fremont Enacted Pursuant to the Health and Safety Code Section 34193 to Elect and Implement Participation by the City of Fremont and the Redevelopment Agency of the City of Fremont in the Alternative Voluntary Redevelopment Program Pursuant to Part 1.9 of the California Community Redevelopment Law**

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council adopted Ordinance No. 10-2011.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Harrison and Dutra
Noes: None
Absent: Councilmember Natarajan
Abstain: None

*** 2.4 Mayor Wasserman opened consideration of Rejection of All Bids Received for the Centerville Ballfield Synthetic Turf Conversion Project, 8717 (PWC), and Re-Advertise Project**

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council rejected all bids received for Construction Contract for the Centerville Ballfield Synthetic Turf Conversion Project, City Project No. 8717 (PWC), and directed staff to revise the contract documents as necessary and re-advertise the contract.

Ayes: Mayor Wasserman, Vice Mayor Chan, and
Councilmember Dutra
Noes: None
Absent: Councilmember Natarajan
Abstain: Councilmember Harrison

*** 2.5 Mayor Wasserman opened consideration of Authorizing the City Manager or Designee to Amend the Contract with Perkins+Will for \$65,000 for Planning and Technical Studies Related to Warm Springs/South Fremont Area Studies**

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council:

1. Authorized the City Manager or designee to amend the contract with Perkins+Will to a not-to-exceed amount of \$395,000.
2. Approved the appropriation of \$65,000 from the Capital Improvement Fund 501 unallocated fund balance to 501PWC8735, NUMMI Site Reuse & Revitalization project.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Harrison and Dutra
Noes: None
Absent: Councilmember Natarajan
Abstain: None

*** 2.6 Mayor Wasserman opened consideration of Approval of Amendments to the Tri-Cities Recycling and Disposal Facility and the Altamont Landfill Contracts to Incorporate the Delivery Date of January 1, 2013, for Full Transition of Municipal Solid Waste Disposal from Tri-Cities Landfill to Altamont Landfill**

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council authorized the City Manager or designee to execute the amendments with Waste Management of Alameda County to the Tri-Cities Recycling and Disposal Facility and the Altamont Landfill authorizing waste deliveries to Tri-Cities Landfill until December 31, 2012, and the full transfer to Altamont Landfill on January 1, 2013.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Harrison and Dutra
Noes: None
Absent: Councilmember Natarajan
Abstain: None

*** 2.7 Mayor Wasserman opened consideration of a Resolution Authorizing the Submittal of a Housing-Related Parks Program Grant Application to the State Department of Housing and Community Development**

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council adopted Resolution No. 2011-42:

1. Authorizing the submittal of a Housing-Related Parks Program grant application to the State Department of Housing and Community Development in an amount for which the City of Fremont is eligible, estimated to be \$122,700, and;
2. Authorizing the City Manager, or his designee to execute all necessary program and grant documents.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Harrison and Dutra
Noes: None
Absent: Councilmember Natarajan
Abstain: None

*** 2.8 Mayor Wasserman opened consideration of a Resolution Approving a New Memorandum of Understanding (2011-2013) with the Fremont Police Association (FPA)**

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council adopted Resolution No. 2011-43 approving a two-year Memorandum of Understanding (MOU) that commences on July 1, 2011, and expires on June 30, 2013, between the City and the Fremont Police Association (FPA), and authorizing the City Manager to execute the MOU.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Harrison and Dutra
Noes: None
Absent: Councilmember Natarajan
Abstain: None

*** 2.9 Mayor Wasserman opened consideration of Public Hearing (Published Noticed) to Consider Planning Commission Recommendation to Introduce an Ordinance Adopting a Planned District Major Amendment to P-2005-80 (Villa D'este) Amending Conditions of**

*Consent Items

Approval Related to Building and Site Design Modifications for the Remaining 126 Attached Units Located at the Southeast Quadrant of Ardenwood Boulevard and Paseo Padre Parkway in Northern Plain Planning Area

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council:

1. Held public hearing.
2. Found that, consistent with CEQA Guidelines 15162, no significant changes to the project or site circumstances have occurred, nor has new information of substantial importance been discovered, and the previously adopted Mitigated Negative Declaration and Mitigation Monitoring Plan are still valid and no further environmental analysis is required, and found this action reflects the independent judgment of the City of Fremont.
3. Found Planned District Major Amendment is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Land Use and Housing Chapters as enumerated within the staff report.
4. Found the Precise Plans for the project as depicted in Exhibit "A" (precise site plan, floor plans, elevations, engineering plans and landscape plans), fulfills the applicable requirements set forth in the Fremont Municipal Code.
5. Introduced an ordinance approving the Precise Plans as shown on Exhibit "A" More specifically, sheets A1.1-1.27, L1.1-6.11 and C1-7 consisting of precise site plan, floor plans, elevations, engineering plans and landscape plans for Planned District Major Amendment to P-2005-80 be approved, based upon the findings contained in this report and subject to the conditions of approval set forth in Exhibit "B".
6. Directed staff to prepare and the City Clerk to publish a summary of the ordinance.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Harrison and Dutra
Noes: None
Absent: Councilmember Natarajan
Abstain: None

*** 2.10 Mayor Wasserman opened consideration of Public Hearing (Published Notice) to Consider a Planning Commission Recommendation to Establish a Precise Planned District (P-2011-154), and Approve a Private Street, a Preliminary Grading Plan, and Tentative Tract Map 8076 for a 16-unit Duet Development on a Vacant 0.99-acre Parcel (PLN2011-00154)**

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council:

1. Held public hearing;
2. Adopted the Mitigated Negative Declaration and Mitigation Monitoring Program, and found this action reflects the independent judgment of the City of Fremont;
3. Found the project consistent with the General Plan for the reasons enumerated in this staff report;
4. Found that the Precise Plan for the project as depicted in Exhibit "C" (architectural and landscape plans) and Exhibit "D" (Vesting Tentative Tract Map 8076, Private Street,

Preliminary Grading Plan and accompanying civil plans) fulfills the applicable requirements set forth in the Fremont Municipal Code;

5. Introduced an ordinance rezoning the property from Multi-Family Residence (R-3-18) to Planned District (P-2011-154) as shown on Exhibit “B” and establishing the Precise Plan for the Planned District as shown in Exhibit “C” (architectural and landscape plans), based upon the findings and subject to the conditions of approval set forth in Exhibit “F”;
6. Approved Vesting Tentative Tract Map 8076 and the accompanying Private Street and Preliminary Grading Plan as shown in Exhibit “D”, based upon the findings and subject to the conditions of approval set forth in Exhibit “F”;
7. Approved the Affordable Housing Plan authorizing the applicant to pay in-lieu fees to fulfill its obligation under the Affordable Housing Ordinance as proposed in Exhibit “E”; and
8. Approved the proposed removal and mitigation for eight private, protected trees, pursuant to the Tree Preservation Ordinance and as described in the staff report and conditions of approval contained in Exhibit “F”; and
9. Directed staff to prepare and the clerk to publish a summary of the ordinance.

Ayes:	Mayor Wasserman, Vice Mayor Chan, and Councilmember Harrison
Noes:	None
Absent:	Councilmember Natarajan
Abstain:	Councilmember Dutra

3. CEREMONIAL ITEMS

3.1 Proclamation: National Night Out

3.2 Presentation of the California Association of Local Economic Development (CALED) Award of Excellence—grand prize winner—to the City of Fremont acknowledging the innovative Local Business Stimulus Package

3.3 Resolution: Honoring Police Officer John Rosette for Thirty Years of Service

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications – None.

5. SCHEDULED ITEMS

5.1 Mayor Wasserman opened consideration of Public Hearing (Published Notice) to Consider an Appeal of a Planning Commission Denial of a Conditional Use Permit Amendment to Expand the Allowable Uses to Include a Concert Hall, Banquet Facility, Dinner Theater, and Other Assembly Uses and Events Where a Performing Arts Theater and Movie Theater are Currently Permitted in the Centerville Planning Area

Associate Planner Joel Pullen and Interim Planning Manager Barbara Meerjans summarized issues for consideration of review, Planning Commission recommendations and staff recommendations. Mayor Wasserman opened the public hearing and opened the item for public comment. Don Marshall expressed concern for public safety regarding potential traffic issues. Roger Shanks, consultant for the appellant Mr. Sadiq, expressed reasons for requesting approval of the appeal. There were no other speakers. Mayor Wasserman closed public hearing. Staff responded to questions from Councilmembers.

On a motion by Councilmember Harrison, seconded by Councilmember Dutra, the City Council denied the appeal and denied the Conditional Use Permit Amendment PLN2011-00093. Councilmember Harrison requested staff to bring back building code information for vintage assembly halls.

Ayes:	Vice Mayor Chan, and Councilmembers Harrison and Dutra
Noes:	Mayor Wasserman,
Absent:	Councilmember Natarajan
Abstain:	None

6. REPORT FROM CITY ATTORNEY

6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.

7. OTHER BUSINESS

7.1 Mayor Wasserman opened consideration of Approve and Authorize the City Manager to Execute a Fifth Amendment to the Cooperative Agreement with the Santa Clara Valley Transportation Authority for the Kato Road Grade Separation Project

Public Works Director Jim Pierson provided a PowerPoint presentation. Staff responded to questions from Councilmembers.

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council approved and authorized the City Manager or his designee to execute the fifth amendment to the Cooperative Agreement with the VTA and delegate the authority to the City Manager to approve the extension of the nine-month closure period for Kato Road to 12 months if certain extraordinary conditions occur.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Harrison and Dutra
Noes:	None
Absent:	Councilmember Natarajan
Abstain:	None

7.2 Mayor Wasserman opened consideration of City Council Review and Consideration of the Draft Climate Action Plan

Associate Planner Amy Rakley provided an overview. Mayor opened item for public comment. David Stark, Public Affairs Director for Bay Area Association of Realtors, expressed concerns related to residential energy conservation. Timothy May, Rental Housing Owners Association, expressed similar concerns. Nina Moore, Fremont Chamber of Commerce, is supportive of the City's efforts to be green and reduce greenhouse gas emissions. John Weed expressed various concerns regarding the Action Plan. There were no other speakers. Mayor closed public comment. Staff responded to questions from Councilmembers.

City Council provided input to staff on the draft Climate Action Plan chapters and actions for reducing greenhouse gas emissions in the community and in City operations. City Council directed staff to complete preparation of the draft Climate Action Plan for adoption concurrent with the Draft General Plan and Environmental Impact Report.

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals

8.1.1 MAYOR WASSERMAN REFERRAL – Designation of League of California Cities Annual Conference Voting Delegate

On a motion by Councilmember Harrison seconded by Councilmember Dutra, the City Council appointed Councilmember Natarajan as the City's voting delegate and Vice Mayor Chan as the voting alternate.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Harrison and Dutra
Noes:	None
Absent:	Councilmember Natarajan
Abstain:	None

8.2 Oral Reports on Meetings and Events – None.

9. ADJOURNMENT: There being no further business, Mayor Wasserman adjourned the meeting at 10:10 p.m. in memory of Don Lee, husband of staff member May Lee, who was lost at sea.

Attest:

Approved:

Robin Sprague, Acting Deputy City Clerk

ANU NATARAJAN, Vice Mayor